

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 291 of 2000

with

CRIMINAL REVISION APPLICATION No 292 of 2000

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

PRAFULL KANTILAL THAKKAR

Versus

STATE OF GUJARAT

Appearance:

MR VASANT S SHAH for Petitioner No. 1

MR LR PUJARI, PUBLIC PROSECUTOR for Respondent No. 1

MR BK DAVE for Respondent No. 2

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 26/12/2001

COMMON ORAL JUDGEMENT

#. These two Revision Applications under Section 397 read with Section 401 CrPC have been preferred by the accused in Criminal Cases Nos.619/97 and 1129/97 against the orders of conviction recorded by the learned Metropolitan Magistrate, Ahmedabad Court No.16 under his judgment and order dated 28th September, 1998 and

confirmed by the learned Additional City Sessions Judge, Ahmedabad Court No.9 in Criminal Appeals Nos.132/98 and 133/98.

#. In both the above referred criminal cases, the petitioner has been convicted for offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and has been sentenced to Simple Imprisonment for one year and a fine of Rs.4,000=00. In default of payment of fine, a further Simple Imprisonment for one month has been imposed.

#. Pending these Revision Applications, the matter at dispute has been settled between the complainant and the accused. The settlement duly signed by the complainant and the accused and their advocates respectively have been placed on record. The complainant - respondent no.2 who is present in the court agrees that the terms of the settlement have been carried out.

#. In view of the compromise arrived at between the parties, following the judgment of the Hon'ble Supreme Court in the matter of MAHENDER SINGH vs. STATE OF ANDHRA PRADESH AND ANR. [JT 2000(8) SC 111], conviction of the petitioner is confirmed. The sentence of imprisonment imposed upon the petitioner in above referred Criminal Cases Nos.619/97 and 1129/97 is quashed and set aside. The sentence of fine imposed upon the petitioner is confirmed. The Revision Applications are allowed to the above extent. Rule nisi issued in each of the applications is made absolute accordingly.

26th December, 2001. (Ms. R.M. Doshit, J.)
/sakkaf